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CHARLES ELMORE GROFLEY
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Supreme Court of the United States

October Term, 1940.

No. 507.

ATANASIO SITCHON,

Petitioner (Plaintiff),

vs.

AMERICAN EXPORT LINES, INC.,

Respondent (Defendant).

**REPLY BRIEF IN SUPPORT OF
PETITION FOR WRIT OF
CERTIORARI.**

WILLIAM MACY,

Counsel for Petitioner.



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There are three subjects argued in respondent's brief which require brief discussion, hence this reply memorandum.

I.

Respondent, on page 2 of its brief, contends that the record does not justify the construction which petitioner places upon the facts. The Circuit Court of Appeals thought it did, for in its opinion it said (R. 72):

"The question before us is whether a seaman acting under the advice of counsel may execute a binding release specifically covering known and unknown injuries, illnesses and disabilities which will preclude him from afterwards avoiding the release and suing upon his claim if he discovers that both

he and the party against whom the claim existed were mistaken at the time he gave the release as to the extent of his injuries."

II.

On page 5 of its brief, respondent argues that the release is governed by the New Jersey law. This contention, also, is answered by the Circuit Court opinion (R. 75):

"The law of New Jersey is apparently in accord with the result we have reached though that fact is really unimportant where the question is one affecting the rights of a seaman under the maritime laws. That is one which the United States courts have to answer."

III.

Likewise on page 5 of its brief, respondent urges that the question presented is not of sufficient public importance.

This respondent evidently feels differently on this subject than did the defendant in the *Bonici* case, which petitioned for a writ, submitting a brief in which the importance of the question, both to the employer and to seamen, was argued at length. Its petition was denied (308 U. S. 560) only, apparently, upon the ground that the question involved had become academic because the judgment was paid in the interim.

Respectfully submitted,

WILLIAM MACY,
Counsel for Petitioner.

(November, 1940.)

